

REMARKS

After entry of this amendment, claims 22-26, 30, 34-37 and 39-43 are pending in the present application. Currently amended claim 22 incorporates previously pending claims 29, 32 and 38. Claims 34 and 39-43 are amended to adjust the claim dependency. Claims 27-29, 31-33 and 38 are cancelled. No matter was added by these amendments.

Claim Rejection under 35 USC 103(a)

The claims of the present invention are rejected under 35 U.S.C. 103(a) as being unpatentable over Illum (WO 9/41632) and Illum in view of Chang (US6121283) and Nakiamichi (US5456923) or in view of Gombotz (US5019400). Due to the amendment of the independent claim 22, these rejections are made moot.

The present invention is directed at a solid solution of particles comprising a drug and a polymer that are relatively large and dense created by a spray drying process. In contrast, Illum discloses starch particles wherein the drug is on the outside of the particle and the particles are created by freeze drying. Nakiamichi discloses dispersions created by extrusion, and Gombotz discloses porous particles created by spray freezing. As such, combining the references of record would not produce the claimed invention. Moreover, a skilled worker would not be motivated to combine these references due to the differences in manufacturing technologies.

Applicants believe that further and favorable action in the form of a Notice of Allowance Issue is next in order, and such action is earnestly solicited.

Should the Examiner have any questions or comments regarding this amendment or the application in general, he is invited to call the undersigned at (860) 686-0349.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 16-1445.

Respectfully submitted,

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